IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3099 of 2007

Vitthal V. Divadhankar. Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Shekhar A. Ingawale, Advocate for the Applicant.

Mr S. D. Shinde, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 18TH OCT, 2007.

P.C.:-

1. Heard learned Advocate for the applicants- accused and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The applicants-accused are seeking anticipatory bail in Crime No. 64 of 2007 registered with Murgud Police Station, Kolhapur for the offence punishable under Section 307, 147, 148, 149, 324, 323, and 504 of the I.P.C.

4. So far as accused-applicant Vitthal Yashwant Divathankar is concerned, allegations against him is that he has assaulted Appasaheb by means of an axe on his head, with the

result he fell down. The injury certificate corroborates with the allegation made in the F.I.R. against accused Vitthal. In this view of the matter, looking to the nature of role played by applicant no.1 Vitthal and the injuries suffered by injured, I do not think it necessary to entertain this application for anticipatory bail at the instance of accused Vitthal. Consequently, prayer for anticipatory bail at his instance is rejected.

5. So far as the applicant no.2 Pintu Vashwant Divathankar is concerned, allegations made against him are limited to the extent of giving threats. However, there is no further overt act attributed against the accused Pintu alias Sandip.

6. In the result, the applicant Pintu @ Sandip Satappa Telavekar in the event of arrest in C.R. No.64 of 2007 registered with Murgud Police Station,Kolhapur for the offence punishable under Section 307, 147, 148, 149, 324, 323, and 504 of the I.P.C. be released on bail on his furnishing personal bond in the sum of Rs.25,000/- with one or two sureties in the like amount on following terms and conditions:

a] that the said applicant Pintu should report to the concerned Police Station,once in a week i.e. on every Monday between 3.00 to 5.00 p.m.till filing of the charge sheet.

b] the said applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

c] the said applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

d] The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

7. This order of anticipatory bail shall remain in force till the filing of the charge

sheet. It would be open for the said applicant to apply for regular bail before the regular Court.

8. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

9. The application is allowed in the above terms.

(V.C.DAGA,J.)